

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Paul Douglas Scolardi,

Debtor.

Chapter 13
Bky. No: 10-48719 RJK

**NOTICE OF MOTION AND MOTION FOR ALLOWANCE OF COMPENSATION BY
WENTZELL LAW OFFICE, PLLC, COUNSEL FOR THE DEBTORS**

1. Wentzell Law Office, PLLC (the Applicant) moves the Court for allowance of fees and reimbursement of expenses.
2. The Court will hold a hearing on this Motion on January 4, 2012 at 10:00 a.m. or as soon thereafter as counsel can be heard in Courtroom 8 West, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.
3. Any response or objections to this Motion shall be filed and served by delivery or mail no later than December 30, 2011, which is five days prior to the time set for the hearing (including Saturdays, Sundays, and holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.
4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding.
5. This Motion arises under 11 U.S.C. §§ 330 and 331, Bankruptcy Rule 2016, and Local Rule 2016-1. The Applicant requests allowance for compensation for legal services rendered to the Debtor. The Applicant is the Debtor's attorney. No order approving employment was necessary.
6. The Applicant was engaged by the Debtor to represent him in filing a Chapter 13 bankruptcy case. Services related to the employment are on-going. The case was filed on November 23, 2010 and is still pending in this Court. The Chapter 13

- modified plan was confirmed on March 18, 2011.
7. It is Applicant's standard practice to present new bankruptcy clients with a package of documents that includes, among other things, a form bankruptcy questionnaire, retainer agreement, and notice of responsibilities. The retainer agreement sets out what services will and will not be performed. Legal fees are discussed with the client and agreed upon based upon the nature and complexity of the case. The initial fee payment and amount to be included in the plan are discussed and agreed upon with the client. The fees are also set forth in the Statement of Compensation by Attorney for Debtor(s), Form 1007-1, filed with the petition and schedules. In this case, through oversight and not intention, the written retainer agreement was not entered into, but the Debtor signed the plan, which included the amount of fees sought in this motion. A copy of this fee application was provided to the Debtor prior to filing.
 8. All services were rendered on behalf of the Debtor and not on behalf of any other entity for the sharing of any compensation received or to be received for services rendered in or in connection with this case.
 9. The Applicant has made no previous application for fees and expenses. This fee application is expected to be a final fee application.
 10. The Chapter 13 trustee is presently holding \$1,079.66.
 11. The Debtor paid \$2,799.00 down before the case filing, which includes fees of \$2,525.00 and the filing fee of \$274.00. A balance of \$1,000.00 is provided in the Chapter 13 Plan, which when added to the initial fees beings the total fees to \$3,525.00.
 12. The services rendered were for pre-bankruptcy consultation, representation in connection with the preparation and filing of a Chapter 13 bankruptcy case and attending the 341 meeting of creditors. Compensation and reimbursement are to be from the plan funds.
 13. The Applicant's time records are attached as Ex. A for reference, but the requested compensation is not determined by the number of hours billed multiplied by the Applicant's hourly rates, but is determined by the amount paid before case filing plus the amount provided in the plan, which was approved by the Debtor and is

less than the amount reflected in Applicant's time records. The Applicant's hourly rates are reflected in the attached time records.

14. The Applicant is unaware of unpaid administrative expenses.
15. The total value of the services rendered by the Applicant is \$3,525.00.

WHEREFORE, the Applicant applies to the Court for an Order as follows;

- (A) Allowing compensation to Wentzell Law Office, PLLC in the amount of \$3,525.00, minus the \$2,525.00 retainer, for a total of \$1,000.00 as a priority Chapter 13 administrative expense claim; and
- (B) Authorizing the Chapter 13 trustee to disburse to Wentzell Law Office, PLLC plan funds that she has on hand as a priority claim.

Dated: December 13, 2011

WENTZELL LAW OFFICE, PLLC

/e/

By: Joseph A. Wentzell #170616
James W. Moen #160349
2812 Anthony Lane South, Suite 200
St. Anthony, Minnesota 55418
612.436-3292

ATTORNEY FOR DEBTOR

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Wentzell Law Office, PLLC
Slip Listing

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Selection Criteria

Slip.Classification Open
 Clie.Selection Include: 7100.01 Scolardi, Paul
 Slip.Transaction Ty 1 - 1

Rate Info - identifies rate source and level

Slip ID		Attorney	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
158157	TIME 10/28/2010 Billed	Wentzell-6000 Tele Conference 11/3/2010 7100.01 Scolardi, Paul Telephone conference with client regarding action. Review with Stephanie.	0.20 0.00 0.00 0.00	300.00 T@1	60.00
158389	TIME 11/16/2010 Billed	Wentzell-6000 Meeting with cl 12/2/2010 7100.01 Scolardi, Paul Meeting wiht client. Review draft schedules.	0.50 0.00 0.00 0.00	300.00 T@1	150.00
158741	TIME 11/19/2010 Billed	Wentzell-6000 Tele Conference 12/2/2010 7100.01 Scolardi, Paul Numerous telephone conferences with client and review bankruptcy to file.	1.00 0.00 0.00 0.00	300.00 T@1	300.00
158700	TIME 11/23/2010 Billed	Wentzell-6000 Misc 12/2/2010 7100.01 Scolardi, Paul Sign documents. File same. Revise schedule. Work with Internal Revenue Service. Meeting with client.	2.00 0.00 0.00 0.00	300.00 T@1	600.00
158692	TIME 11/24/2010 Billed	Wentzell-6000 Long distance 12/2/2010 7100.01 Scolardi, Paul Long distance phone call with Internal Revenue Service regarding levy and filing. Numerous telephone calls with client regarding options.	0.75 0.00 0.00 0.00	300.00 T@1	225.00
158971	TIME 12/1/2010 Billed	Wentzell-6000 Tele Conference 1/3/2011 7100.01 Scolardi, Paul Telephone conference and review Minnesota Department of Revenue claim and Internal Revenue Service. Telephone call with client regarding the same.	0.75 0.00 0.00 0.00	300.00 T@1	225.00
158813	TIME 12/13/2010 Billed	Wentzell-6000 Review Document 1/3/2011 7100.01 Scolardi, Paul Minnesota Department of Revenue proof of	0.20 0.00 0.00 0.00	300.00 T@1	60.00

EXHIBIT A

Slip ID		Attorney	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
claim. Telephone call with client. Work on proof of claim issues.					
159091	TIME	Wentzell-6000	0.25	300.00	75.00
12/17/2010		Review Document	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Review Internal Revenue Service proof of claim. E-mail client with copy.					
159141	TIME	Wentzell-6000	0.20	300.00	60.00
12/21/2010		Tele Conference	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Telephone conference with client regarding 341 and tax issues.					
159157	TIME	Wentzell-6000	1.00	300.00	300.00
12/22/2010		Prepare Hearing	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Prepare for and attend 341 hearing. Meeting with client regarding amending plans and documents for trustee.					
159165	TIME	Wentzell-6000	0.75	300.00	225.00
12/23/2010		Work on	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Work on amending plan and schedules. Work on proof of claim objections.					
159231	TIME	Wentzell-6000	0.75	300.00	225.00
12/28/2010		Tele Conference	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Numerous telephone conferences with client. Review trustee question on homestead, tax payments and proof of claim by Internal Revenue Service and Minnesota Department of Revenue.					
159205	TIME	Wentzell-6000	0.25	300.00	75.00
12/29/2010		Review Document	0.00	T@1	
Billed	G:17089	1/3/2011 7100.01 Scolardi, Paul	0.00		
Review closing documents and homestead issues.					
159533	TIME	Wentzell-6000	0.40	325.00	130.00
1/13/2011		Tele Conference	0.00	T@1	
Billed	G:17194	2/2/2011 7100.01 Scolardi, Paul	0.00		
Change schedules. Telephone call with Paul. Telephone call with Minnesota Department of Revenue.					
159537	TIME	Wentzell-6000	1.00	325.00	325.00
1/14/2011		Review and Revi	0.00	T@1	
Billed	G:17194	2/2/2011 7100.01 Scolardi, Paul	0.00		

Slip ID		Attorney		Units	Rate	Slip Value
Dates and Time		Activity		DNB Time	Rate Info	
Posting Status		Client		Est. Time	Bill Status	
Description		Reference		Variance		
Review and revise schedules and plan. Long distance call client. Review Internal Revenue Service claim. Telephone call with Internal Revenue Service.				0.00		
159439 1/17/2011 Billed	TIME G:17194	Wentzell-6000 Review and Revi 7100.01 Scolardi, Paul		0.75 0.00 0.00 0.00	325.00 T@1	243.75
Review and revise schedules. E-mail client and T.J. Revise.						
159494 1/18/2011 Billed	TIME G:17194	Wentzell-6000 Long distance 7100.01 Scolardi, Paul		0.30 0.00 0.00 0.00	325.00 T@1	97.50
Long distance phone call with Anderson and with Minnesota Department of Revenue to amend proof of claim. E-mail trustee and client.						
159713 1/31/2011 Billed	TIME G:17194	Wentzell-6000 Review Correspo 7100.01 Scolardi, Paul		0.25 0.00 0.00 0.00	325.00 T@1	81.25
Review correspondence and lien release on 2002 Chevrolet. Letter to client.						
159849 2/9/2011 Billed	TIME G:17316	Wentzell-6000 Review Document 7100.01 Scolardi, Paul		0.20 0.00 0.00 0.00	325.00 T@1	65.00
Review documents from trustee assistant.						
160156 2/9/2011 Billed	TIME G:17316	Wentzell-6000 Email 7100.01 Scolardi, Paul		0.30 0.00 0.00 0.00	325.00 T@1	97.50
E-mail with trustee to discuss motion to dismiss. E-mail client regarding documents.						
160176 2/15/2011 Billed	TIME G:17316	Wentzell-6000 Tele Conference 7100.01 Scolardi, Paul		0.20 0.00 0.00 0.00	325.00 T@1	65.00
Telephone conference with client and review file.						
160415 3/2/2011 Billed	TIME G:17430	Wentzell-6000 Work on 7100.01 Scolardi, Paul		1.50 0.00 0.00 0.00	325.00 T@1	487.50
Work on amended plan and motion.						
160446 3/3/2011 Billed	TIME G:17430	Wentzell-6000 Work on 7100.01 Scolardi, Paul		1.00 0.00 0.00 0.00	325.00 T@1	325.00
Further work on amended plan. E-mail to trustee. Review comments from trustee.						

Slip ID	Dates and Time	Attorney	Units	Rate	Slip Value
	Posting Status	Activity	DNB Time	Rate Info	
	Description	Client	Est. Time	Bill Status	
		Reference	Variance		
160437	TIME 3/7/2011 Billed	Wentzell-6000 Filing G:17430 4/5/2011 7100.01 Scolardi, Paul Arrange for signature on modified plan and for filing.	0.70 0.00 0.00 0.00	325.00 T@1	227.50
160465	TIME 3/11/2011 Billed	Wentzell-6000 Review Document G:17430 4/5/2011 7100.01 Scolardi, Paul Review letter from creditor regarding payment plan.	0.10 0.00 0.00 0.00	325.00 T@1	32.50
160402	TIME 3/14/2011 Billed	Wentzell-6000 Tele Conference G:17430 4/5/2011 7100.01 Scolardi, Paul Telephone conference with client and creditor.	0.20 0.00 0.00 0.00	325.00 T@1	65.00
160376	TIME 3/15/2011 Billed	Wentzell-6000 Tele Conference G:17430 4/5/2011 7100.01 Scolardi, Paul Telephone conference with client. E-mail T. J. regarding plan. Check court file. Check proof of claims.	0.30 0.00 0.00 0.00	325.00 T@1	97.50
160510	TIME 3/16/2011 Billed	Wentzell-6000 Tele Conference G:17430 4/5/2011 7100.01 Scolardi, Paul Telephone conference with Internal Revenue Service - Barr regarding proof of claim.	0.20 0.00 0.00 0.00	325.00 T@1 Override	65.00
160757	TIME 3/30/2011 Billed	Wentzell-6000 Email G:17430 4/5/2011 7100.01 Scolardi, Paul E-mail with client.	0.20 0.00 0.00 0.00	325.00 T@1	65.00
163576	TIME 9/19/2011 Billed	Moen, Jim Work on G:18090 10/3/2011 7100.01 Scolardi, Paul Work on fee application	0.20 0.00 0.00 0.00	250.00 T@1	50.00
164578	TIME 11/21/2011 Billed	Wentzell-6000 Review Document G:18299 12/5/2011 7100.01 Scolardi, Paul Review documents/motion to dismiss.	0.25 0.00 0.00 0.00	325.00 T@1	81.25
164639	TIME 11/22/2011 Billed	Wentzell-6000 Tele Conference G:18299 12/5/2011 7100.01 Scolardi, Paul Contact client regarding payments and motion to dismiss.	0.25 0.00 0.00 0.00	325.00 T@1	81.25

Slip ID

Dates and Time
Posting Status
Description

164640 TIME
11/29/2011
Billed G:18299 12/5/2011
Conference with client to discuss new payment.

Attorney	Units	Rate	Slip Value
Activity	DNB Time	Rate Info	
Client	Est. Time	Bill Status	
Reference	Variance		

Wentzell-6000	0.25	325.00	81.25
Conference	0.00	T@1	
7100.01 Scolardi, Paul	0.00		
	0.00		

Grand Total

Billable	17.15	5343.75
Unbillable	0.00	0.00
Total	17.15	5343.75

Selection Criteria

Slip Classification Open
 Clie.Selection Include: 7100.01 Scolardi, Paul
 Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description		Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
158262 10/28/2010 Billed	EXP G:16863	Wentzell-6000 Paralegal 7100.01 Scolardi, Paul	0.5	75.00	37.50
		Paralegal Time - met with client to review bankruptcy documents.			
158263 10/28/2010 Billed	EXP G:16863	Wentzell-6000 Paralegal 7100.01 Scolardi, Paul	0.25	75.00	18.75
		Paralegal Time - open new file for client.			
158290 11/3/2010 Billed	EXP G:16981	Wentzell-6000 Paralegal 7100.01 Scolardi, Paul	3	75.00	225.00
		Paralegal Time - enter bankruptcy information from client. Run first draft for review.			
158642 11/16/2010 Billed	EXP G:16981	Wentzell-6000 Paralegal 7100.01 Scolardi, Paul	0.25	75.00	18.75
		Paralegal Time - prepare electronic filing.			
158780 11/23/2010 Billed	EXP G:16981	Wentzell-6000 BKY Filing fee 7100.01 Scolardi, Paul	1	274.00	274.00
		Chapter 13/filing fee			
158787 12/6/2010 Billed	EXP G:16992	Wentzell-6000 Misc. 7100.01 Scolardi, Paul	1	890.00	890.00
		Bankruptcy flat fee.			
159582 1/19/2011 Billed	EXP G:17194	Wentzell-6000 Paralegal LKJ 7100.01 Scolardi, Paul	0.5	75.00	37.50
		Paralegal Time - file maintenance.			
Grand Total					
		Billable	0.00		1501.50
		Unbillable	0.00		0.00
		Total	0.00		1501.50

Slip Listing

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Slip ID		Attorney	Units	Rate	Slip Value
Dates and Time		Activity	DNB Time	Rate Info	
Posting Status		Client	Est. Time	Bill Status	
Description		Reference	Variance		
158297	EXP 11/4/2010 Billed	Wentzell-6000 Paralegal G:16973 12/2/2010 Paralegal Time - update bankruptcy. Print schedules for review.	0.5	75.00	37.50
158629	EXP 11/22/2010 Billed	Wentzell-6000 Paralegal G:16973 12/2/2010 Paralegal Time - refax documents.	0.5	0.75	0.38
158634	EXP 11/23/2010 Billed	Wentzell-6000 Paralegal G:16973 12/2/2010 Paralegal Time - work on 341 notices to creditors.	0.5	75.00	37.50
158782	EXP 11/23/2010 Billed	Wentzell-6000 BKY Filing fee G:16973 12/2/2010 Filing Fee: US Bankruptcy Court/Chapter 13	1	274.00	274.00
158987	EXP 12/27/2010 Billed	Wentzell-6000 Paralegal G:17080 1/3/2011 Paralegal Time: RMJ: review and draft letter to client regarding order approving direct payments to trustee.	0.1	100.00	10.00
159189	EXP 12/29/2010 Billed	Wentzell-6000 Paralegal G:17080 1/3/2011 Paralegal Time/RMJ: amended Schedule J and review with Joseph A. Wentzell	0.2	100.00	20.00
159268	EXP 12/30/2010 Billed	Wentzell-6000 Paralegal RMJ G:17080 1/3/2011 Prepare and send letter to J. Keller with photos.	0.1	100.00	10.00
Grand Total		Billable	0.00	1158.13	
		Unbillable	0.00	0.00	
		Total	0.00	1158.13	

Selection Criteria

Slip.Classification Open
 Clie.Selection Include: 7082.01 Hermes, Chris
 Slip.Transaction Ty 2 - 2

Rate Info - identifies rate source and level

Slip ID Dates and Time Posting Status Description		Attorney Activity Client Reference	Units DNB Time Est. Time Variance	Rate Rate Info Bill Status	Slip Value
156952 8/25/2010 Billed Paralegal Time - Enter bankruptcy information.	EXP G:16566	Wentzell-6000 Paralegal 9/2/2010 7082.01 Hermes, Chris	0.75	75.00	56.25
156960 8/25/2010 Billed Paralegal Time - enter - Enter bankruptcy information.	EXP G:16566	Wentzell-6000 Paralegal 9/2/2010 7082.01 Hermes, Chris	1.5	75.00	112.50
157035 8/31/2010 Billed Paralegal Time - Enter bankruptcy information	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	2	75.00	150.00
157034 9/1/2010 Billed Paralegal Time - Enter bankruptcy information.	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	2	75.00	150.00
157123 9/10/2010 Billed Paralegal Time - Enter bankruptcy information.	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	1.5	75.00	112.50
157157 9/17/2010 Billed Paralegal Time - print and meet with client to review bankruptcy schedules.	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	1	75.00	75.00
157442 9/20/2010 Billed Paralegal Time - work on changing from federal exemptions to state exemptions.	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	0.5	75.00	37.50
157480 9/28/2010 Billed Paralegal Time - Enter bankruptcy information.	EXP G:16687	Wentzell-6000 Paralegal 10/4/2010 7082.01 Hermes, Chris	1	75.00	75.00

In re:

BKY 10-48719

Paul Douglas Scolardi,

Debtor.

Unsworn Declaration for Proof of Service

I hereby certify that on December 13, 2011, I caused the following documents: **NOTICE OF MOTION AND MOTION FOR ALLOWANCE OF COMPENSATION BY WENTZELL LAW OFFICE, PLLC, COUNSEL FOR THE DEBTORS, PROPOSED ORDER**, and Unsworn Certificate of Service to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

Jasmine Z Keller cmecfjzkmn@ch13mn.com, backup_cmecf@ch13mn.com
US Trustee ustpregion12.mn.ecf@usdoj.gov

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

ACS PO BOX 371834 PITTSBURGH, PA 15250-7834	CITY OF EDEN PRAIRIE 8080 MITCHELL ROAD EDEN PRAIRIE, MN 55344
ADT SECURITY PO BOX 650485 DALLAS, TX 75265-0485	INTERNAL REVENUE SERVICE WELLS FARGO PLACE 30 EAST 7TH ST MAIL STOP 5700 ST PAUL MN 55101
CAPITOL ONE PO BOX 60599 CITY OF INDUSTRY, CA 91716-0599	OLSEN THIELEN, CPA 2675 LONG LAKE ROAD ST PAUL, MN 55113-1117
CHASE PO BOX 94014 PALATINE IL 60094-4014	PROGREEN 8701 COLUMBUS AVE S BLOOMINGTON, MN 55420
CITY OF CHANHASSEN 7700 MARKET BLVD PO BOX 147 CHANHASSEN, MN 55317	US AIRWAYS PO BOX 13337 PHILADELPHIA, PA 19101-3337

Executed on: December 13, 2011

/e/

Signed Roberta M. Johnson

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

Paul Douglas Scolardi,

Debtor.

Chapter 13
Bky. No: 10-48719 RJK

ORDER

This case is before the Court on the Motion of Wentzell Law Office, PLLC for compensation for legal services rendered in the above-entitled matter. Based on the Motion and the files,

IT IS ORDERED:

1. That the Motion of Wentzell Law Office, PLLC dated December 13, 2011 is granted and it is allowed \$3,535.00 for services rendered in the above entitled matter.
2. That the Chapter 13 trustee shall pay to Wentzell Law Office, PLLC, as funds become available as a priority claim the sum of \$1,000.00.

Dated:

United States Bankruptcy Judge